

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS

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In re:

BUHRE BEVERAGE DISTRIBUTION, INC.,

Debtor.

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WILLIAM SANCHEZ,

Plaintiff,

-against-

BUHRE BEVERAGE DISTRIBUTION, INC.,
BHAVEEN SAPRA, BRUCKNER BEVERAGE, INC.
and PEPSI-COLA BOTTLING COMPANY OF NEW
YORK, INC.,

Defendants.

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Chapter 11

Case No. 14-22048-rdd

Adv. Pro. No.: 14-08218-rdd

AFFIRMATION

ANNE PENACHIO, ESQ., an attorney duly admitted to the practice of law in the State of New York, hereby affirms the following to be true under the penalties of perjury:

INTRODUCTION

1. I am a principal attorney of the PENACHIO MALARA LLP, counsel for Buhre Beverage Distribution, Inc. (alternatively, “Buhre” and the “Debtor”) the Debtor herein, and I am fully familiar with the facts and circumstances herein.

2. I make this Affirmation in support of the Order to Show Cause of William Sanchez (the “Sanchez OSC”) seeking the entry of an Order: (a) restraining and enjoining Pepsi-Cola Bottling Company of New York, Inc. (“Pepsi”) and/or any of its agents from actively and/or constructively terminating the Debtor’s and/or Sanchez’s rights under the existing distributor

agreement (the "Buhre Distributor Agreement") between Pepsi, Buhre, and Sanchez; (a) directing Pepsi to immediately restore control and operation of the certain Pepsi distribution route that covered certain territory in the Bronx, New York (the "Buhre Pepsi Route") that is the subject of the Buhre Distributor Agreement, to the Debtor under the normal and ordinary terms thereof; and (c) for such other and further relief as this Court deems just and equitable under the circumstances.

3. I have fully reviewed Sanchez OSC with the principal of the Debtor, Bhaveen Sapra ("B. Sapra").

4. B. Sapra has advised me that he fully supports all of the requests for relief made in the Sanchez OSC.

5. The parties have expressly reserved all of their rights regarding the adversary proceeding William Sanchez filed with this court on April 4, 2014 entitled "*William Sanchez v. Buhre Beverage Distribution, Inc., Bhaveen Sapra, Bruckner Beverage, Inc. and Pepsi-cola Bottling Company of New York, Inc.*" bearing adversary proceeding number 14-08218 (the "Sanchez Adversary"), to which issue is not even joined.

WHEREFORE, the Debtor respectfully requests the entry of an order granting the relief sought herein, together with such other, further relief to Sanchez as this Court deems to be just and proper.

Dated: Melville, New York
April 29, 2014

PENACHIO MALARA LLP
Counsel to the Debtor

By: /s/ Anne Penachio
Anne Penachio, Esq.